

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

THERESA PALMER,

Plaintiff,

v.

CASE NUMBER: 06-13170

FORD MOTOR COMPANY,

Defendant.

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**ORDER ON APPLICATION FOR APPOINTMENT OF COUNSEL**

Before the court is an application for appointment of counsel under 28 U.S.C. §1915(e)(1).

"Appointment of counsel in a civil case is not a constitutional right. *Mekdeci v. Merrell National Laboratories*, 711 F.2d 1510, 1522 n. 19 (11<sup>th</sup> Cir. 1983). It is a privilege that is justified only by exceptional circumstances. *Lopez v. Reyes*, 692 F.2d 15, 17 (5<sup>th</sup> Cir. 1982)." *Wahl v. McIver*, 773 F.2d 1169, 1174 (11<sup>th</sup> Cir. 1985). In determining whether "exceptional circumstances" exist, courts examine "the type of case and the abilities of the plaintiff to represent himself." *Archie v. Christian*, 812 F.2d 250, 253 (5<sup>th</sup> Cir. 1987); *see also Poindexter v. FBI*, 737 F.2d 1173, 1185 (D.C.Cir.1984). This commonly involves a determination of the "complexity of the factual and legal issues involved." *Cookish v. Cunningham*, 787 F.2d 1, 3 (1<sup>st</sup> Cir. 1986). Appointment of counsel pursuant to 28 U.S.C. § 1915(d) is not appropriate when a *pro se* litigant's claims are frivolous, *Henry v. City of Detroit Manpower Department*, 739

F.2d 1109, 1119 (6<sup>th</sup> Cir. 1984), or when the chances of success are extremely slim. *Childs v. Duckworth*, 705 F.2d 915, 922 (7<sup>th</sup> Cir. 1983); *McKeever v. Israel*, 689 F.2d 1315, 1320-21 (7<sup>th</sup> Cir. 1982); *Ma[c]lin v. Freake*, 650 F.2d 885, 887 (7<sup>th</sup> Cir. 1981); *Mars v. Hanberry*, 752 F.2d 254, 256 (6<sup>th</sup> Cir. 1985). A district court in examining an application for appointment of counsel is expected to exercise sound discretion. *Lavado v. Keohane*, 992 F.2d 601, 604-05 (6<sup>th</sup> Cir. 1993).

In this case, the court has considered the application, the complaint and any supporting affidavit(s), noting that under §1915(e)(1), a court may only “request” that an attorney represent a person who is purportedly unable to afford counsel.

The issues in the case are not complex, and the court finds no “exceptional circumstances” warranting the appointment of counsel.

The motion for appointed counsel is DENIED.

February 2, 2007

s/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE